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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,326		Karin Loffler	D078 1110	7007

7590 10/04/2002  
James F Vaughan  
P O Box 725388  
Atlanta, GA 31139-9388

EXAMINER

GUARRIELLO, JOHN J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/19326

Applicant(s)

Loffler et al.

Examiner

John Guarriello

Group Art Unit

1991

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 6/18/2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-23, 25, 26 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-23, 25, 26 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1771

### **DETAILED ACTION**

15. The Examiner acknowledges papers # 9 and 10, the extension of time and the amendment of 6/18/2002.

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 112***

17. Claims 1-23, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 3-4, it is not clear what the phrase "the coating compound" refers, since there is no clear antecedent basis in this claim to "the coating compound" or to any "coating compound".

#### ***Claim Rejections - 35 USC § 103***

18. Claims 1-23, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinod et al. 5,747,133 in view of Edinger et al. 5,932,337.

Art Unit: 1771

Vinod describes a flexible floor covering with several layers, (see abstract). Vinod describes a fabric layer corresponding to the reinforcing material of the claimed invention embedded within the plastic matrix corresponding to the cover layer, (see abstract; figure 1). Vinod describes the fabric may be non-woven and is embedded in the plastic matrix, corresponding to the cover layer of the claimed invention, (column 1, lines 35-46). Vinod describes a flexible wear layer (like a cover layer), (column 2, lines 37-42) may be used. Vinod is silent about the basis weight of the nonwoven reinforcing material and the components of the cover layer.

Edinger describes a floor covering (see abstract; column 1, lines 5-20) with a planar structure with several layers of which the cover layer (column 3, lines 25-43) is made from a combination of epoxidation products of subesters of polycarboxylic acids with polyethylene glycols, (column 5, lines 15-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the components of the cover layer of floor

Art Unit: 1771

covering of Vinod with the components of the cover layer of Edinger motivated with the expectation that improved properties of wear and decorative appeal would be enhanced as noted by Vinod, column 2, lines 29-39). Regarding the basis weight it would have been obvious to one of ordinary skill in this art to optimize the range of the basis weight since the references describe the components of the floor covering of the claimed invention especially after considering the invention as a whole.

Applicant's arguments regarding the former rejection were considered but are not applicable with the new grounds of rejection.

19. Rejections not maintained are withdrawn regarding 112 second paragraph, regarding claims 8, 18, and 22.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

Art Unit: 1771

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-308-0661.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John J. Guarriello:gj

Patent Examiner

September 13, 2002

September 29, 2002



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700